

CENTRAL REGION REVIEW



U.S. Army Environmental Center Central Regional Office Kansas City, Missouri



★ JULY 1999 ★

★ REGIONS VI & VII ★

*Environmental Legislative Actions, Proposed Rules, Final Rules, Emergency Rules, and Judicial Decisions
for the States in Federal Regions VI and VII.*

GENERAL INFORMATION

Proposed Unified Federal Policy for Watershed Management on Federal Lands. The U.S. Department of Agriculture and the U.S. Department of the Interior released a draft "Unified Federal Policy for Ensuring a Watershed Approach to Federal Land and Resource Management" to Congress, states, tribes, and interested stakeholders. The proposed policy, a key action of the President's Clean Water Action Plan, has two primary goals: to use a watershed approach to prevent and reduce water pollution resulting from federal land and resource management activities and to accomplish this in a unified and cost effective manner. After this consultation period, a new draft of the Unified Federal Policy will be put in the Federal Register for a 90-day public comment period in July. For a copy of the draft policy, visit the Bureau of Land Management Internet web site at <http://www.blm.gov> or the Forest Service web site at <http://www.fs.fed.us/clean/unified>.

ASSISTANCE/GUIDANCE INFORMATION

Joint Service Hazardous Material Storage and Handling Manual Now Available. The "Storage and Handling of Hazardous Material Manual," dated 13 January 1999, has been officially released and is now available in Portable Document Format (pdf) from the Hazardous Technical Information Services (HTIS) web site at <http://www.dscr.dla.mil/htis/htis.htm>. The document is also available via a link to the HTIS web site from your service component sector on the Defense Environmental Network & Information eXchange (DENIX) web site at <http://www.denix.osd.mil/denix/Public/Policy/policy.html>. The manual is an essential reference for those responsible for the proper storage and handling of a wide range of hazardous materials within the government. For further information contact: Dr. John Frick; Headquarters, Defense Logistics Agency (DLA); (703) 767-1479; DSN 427-1479; e-mail: john.frick@hq.dla.mil.

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Pollution Prevention Spill Kits. The Fort Campbell Pollution Prevention Operation Center (PPOC) has developed kits for cleaning chemical and hazardous material spills at significantly lower cost than fully assembled commercial kits. Using materials available through the supply system, the PPOC's 55-gallon spill kit costs about \$179, substantially less than the \$518 cost of a commercially available kit. The 55-gallon kit is well suited for motor pools and aviation hangars. The PPOC also offers a 30-gallon spill kit for a cost of \$108 (compared to the \$335 cost of an equivalent commercially available kit). The 30-gallon kit is suitable for tactical vehicles in field environments. In addition, when only parts of kits are used, units can purchase those items that were expended instead of buying an entire new kit, for further cost savings. *For more information on the Fort Campbell spill response kits, contact: Al Caldwell, Fort Campbell Environmental Division PPOC Manager; (502) 798-9780; DSN 635-9780.*

New Low Hg Containing Fluorescent Light Bulbs. If you are a high volume user of fluorescent light tubes, the new low Hg fluorescent tubes available from Phillips and DLA can help you:

- **Meet environmental compliance regulations.** Reduce the amount of hazardous waste generated by using non-toxic fluorescent light tubes. Media area waste is hazardous waste. Reduction in hazardous waste helps facilities meet the requirement of waste minimization under the Resource Conservation and Recovery Act (RCRA), 40 CFR Part 262.
- **Save money.** Reduce hazardous waste disposal and management costs and regulatory liabilities. Spent low mercury fluorescent light bulbs can be disposed of as ordinary waste.

How does this equipment work? Alternative fluorescent light bulbs are now available that contain 70 percent less mercury, but have the same shape, life span, and performance characteristics as traditional fluorescent lamps. Order assistance from the Defense Industrial Supply Center can be obtained by calling 1(800) DLA-BULB. Visit the DLA web site at <http://www.dscr.dla.mil/Marketing/alto.html> for information on the types of lamps available.

U.S. EPA Issues Alert on Material Safety Data Sheets (MSDSs). An alert issued by U.S. EPA warns local emergency responders not to rely solely on MSDSs provided or maintained at facilities during a chemical accident. Information about the chemicals involved in an accident is critical to a safe response. Generally, responders rely primarily on MSDSs maintained at the facilities. However, MSDSs alone frequently do not provide local responders sufficient information to effectively and safely respond to an accidental release of a chemical. U.S. EPA's alert is designed to increase awareness, so that first responders can take proper precautions. The alert identifies additional sources of chemical information that could help prevent the loss of life. The alert is available on U.S. EPA's web site at <http://www.epa.gov/swercepp/index.html> under "What's New." Copies are also available through the EPCRA hotline at 1(800) 424-9346 or (703) 412-9810.

Report Documents Effective Stormwater Runoff Pollution Programs. Some of the most successful and cost-effective strategies to address stormwater runoff pollution are highlighted in a report released 2 June 1999 by the Natural Resources Defense Council. The information was collected from around the country and is intended to serve as a guide for local decisionmakers, municipal officials and agency staff, and environmental activists. The report, *Stormwater Strategies: Community Response to Runoff Pollution*, compiled and evaluated more than 100 case studies highlighting pollution prevention, administrative, and financing measures for addressing stormwater runoff. Individually, the case studies provide detailed examples of substantial water quality improvement, effective or innovative stormwater control, strategies to protect the environment, significant cost savings, and other important benefits. The case studies represent communities of all sizes, types, and regions. A copy of the report is available on the Internet at <http://www.nrdc.org/nrdcpro/storm/stoinx.html>.

Annual Treatment Technology Report Available. Information about treatment technologies being used at more than 900 hazardous waste sites around the United States is now available in a recently released report, "Treatment Technologies for Site Cleanup Annual Status Report – Ninth Edition" (document number EPA-542-R99-001). This year's report has been expanded to include a broad range of treatment technologies, such as control technologies and innovative groundwater treatment technologies being used at Superfund sites, RCRA corrective action sites and DoD and Department of Energy sites. The report is designed to improve communication between technology users and those who are considering treatment technologies to clean up sites. Access to detailed project information is now available in a new searchable electronic database, EPA REACH IT system, at <http://www.epareachit.org>. The report can also be ordered by calling U.S. EPA's National Service Center for Environmental Publications at 1(800) 490-9198.

TRAINING INFORMATION

Region VI – U.S. EPA Environmental Response Training Program (ERTP). U.S. EPA Region VI will be offering the following environmental response training courses in the coming months:

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|---|---------------------|----------------------|
| • Designs for Air Impact Assessments at Hazardous Waste Sites | 27-29 July | (Norman, OK) |
| • Safety and Health Decision-Making for Managers | 10-12 August | (Austin, TX) |
| • Health and Safety 8-Hour Training | 16-20 August | (Dallas, TX) |
| • Sampling for Hazardous Materials | 17-19 August | (N. Little Rock, AR) |
| • Introduction to Groundwater Investigations | 14-16 Sept. | (Santa Fe, NM) |

ERTP course information is available at U.S. EPA's Training Exchange web site at <http://www.trainex.org>. To register for a class or for more information on courses offered by U.S. EPA Region VI, contact: Keith Reddick; U.S. EPA Region VI; (214) 665-8338; fax (214) 665-7447; e-mail: rednick.Keith@epamail.epa.gov.

Region VII – U.S. EPA ERTP. U.S. EPA Region VII will be offering the following environmental response training courses at the Kansas City Kansas Community College in Kansas City, Kansas, in the coming months:

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|--|------------------------|
| • Radiation Safety at Superfund Sites | 23-27 August |
| • Safety and Health Decision-Making for Managers | 14-16 September |

ERTP course information is available at U.S. EPA's Training Exchange web site at <http://www.trainex.org>. To get a list of all training opportunities currently available through U.S. EPA Region VII, or for more information on classes, contact: Evelyn VanGoethem; U.S. EPA Region VII; (913) 551-7659; fax (913) 551-7145. To register for a class contact: Training Registrar; (513) 251-7776; fax (513) 251-4137.

Hazardous Substance Management System (HSMS) Orientation Training. HSMS orientation training, referred to as HSMS "101" is open to all Army personnel who wish to learn more about the Hazardous Material Management Program (HMMP) and HSMS. The last class of the year is scheduled for **10-12 August 1999** at Detroit Arsenal. The course provides an overview of the HSMS software and discussion of how it fits into the HMMP. Topics to be covered include: the business practices associated with hazardous material control, HSMS design features and hardware requirements, and case studies of installations implementing a HAZMART and HSMS. The course is targeted for individuals planning for HAZMART and HSMS operation and will provide the greatest benefit to decision-makers from Logistics, Environmental, Information Management, Public Works, Safety, Hazardous Waste, and Industrial Hygiene from both the major Army command and installation level. The orientation training will also include a half-day tour of an operational HAZMART Center. The course is not intended to be users training for the HSMS software. For more information or to register for the training, contact the CAO at 1(888) 800-7242, or e-mail at HSMS@saic.hqisec.army.mil.

U.S. EPA Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Training. U.S. EPA's CERCLA Education Center (CEC) will offer a course on Transportation and Disposal on **14-15 September** in Kansas City, Kansas. CEC course information is available at U.S. EPA's Training Exchange web site at <http://www.trainex.org>. For further information contact: U.S. EPA; Technology Innovation Office, CEC; (703) 603-9910; fax (301) 589-8487.

CONFERENCES and SEMINARS

JULY 1999

1999 Missouri Environmental Conference at the Lake. The seventh annual **Missouri** Environmental Conference will be held on **29-30 July 1999** at the Marriott's Tan-Tar-A Resort in Osage Beach, Missouri. This year's conference will focus on enforcement policies, compliance requirements, cost-cutting strategies, and timesaving procedures. Session highlights will include tips on cost-effective compliance with air water, solid and hazardous waste; interaction with government representatives, industry experts, and environmental attorneys; Internet navigation; compliance hypotheticals; issues on the horizon; latest environmental product/service exhibits; enforcement alerts; and an open forum with regulators. Special sessions will include an air compliance track; an experienced manager track; a one-person environment department tract; refresher courses in air, water, and waste;

and ACP revisions to the procedures manual. The conference is being co-sponsored by the Missouri Chamber of Commerce, the MDNR, the Regulatory Group for Missouri, and the Missouri Bar. *For further information contact: Missouri Chamber of Commerce; (573) 634-3511; fax (573) 634-8855.*

AUGUST 1999

Abiotic In-Situ Technologies for Groundwater Remediation. The U.S. EPA is sponsoring a groundwater remediation conference **31 August-2 September 1999** in Dallas, Texas. The conference is being held to disseminate information on a number of abiotic in-situ groundwater remediation approaches that are emerging as alternatives for treating sites that historically have been difficult to treat. The conference will include sessions on thermal technologies, electrokinetics, chemical oxidation, reactive zone treatment, volatile organic compound (VOC) stripping, and flushing technologies. There is no cost to attend, but space is limited. Agenda and registration information is available on the World Wide Web at <http://www.epa.gov/ttnrmrl/abiotic.htm>, or by calling (412) 741-5462.

SEPTEMBER 1999

10th Anniversary Annual International Workshop on Solvent Substitutions and Eliminating Toxic Substance and Emissions. The Aerospace Industries Association and Exchange Monitor Publications and Forums are co-sponsoring a solvent substitution workshop on 13-16 September 1999 at the Radisson Scottsdale Conference Center in Scottsdale, Arizona. The theme of this year's conference is "A Critical Assessment of Current Alternatives...Looking Ahead to Environmental Actions of the Millennium." Mr. Gary Vest, Principal Assistant Deputy Under Secretary of Defense (Environmental Security) will be the keynote speaker. *For additional information contact: Conference Management Associates, Inc.; (703) 754-0066; fax (703) 754-4261.*

1999 National Recycling Congress and Exposition. The 1999 National Recycling Congress and Exposition will be held **27-29 September 1999** in Cincinnati, Ohio. The "Federal Track" of the 1999 conference will represent a cross-section of all Federal agencies. Each agency will have the opportunity to share success stories and lessons learned with representatives from the other agencies. Last year, for example, representatives of civilian and military facilities provided presentations on affirmative procurement, recycling programs, using federal purchasing to create markets for recovered materials, recycling of electronics and other non-traditional materials, the new Greening the Government Executive Order, and America Recycles Day. *For further information contact: Dana Arnold, Executive Steering Committee; (202) 260-1297; fax (202) 401-9503; e-mail: arnold.dana@epamail.epa.gov.*

1999 Kansas Environmental Conference. The 1999 **Kansas** environmental conference, "Kansas Environment: Future Directions," will be held **29-30 September 1999** at the Wichita Marriott Hotel in Wichita, Kansas. The format this year will include 20 different 50-minute sessions and 8 two-hour seminars, and the keynote address will be provided by Dr. Peter Bishop, a "futurist" from the University of Houston. Following Dr. Bishop will be a series of concurrent sessions including topics regarding water issues (TDML, Water Quality Standards, new regulations, wetlands), pollution prevention case studies (businesses with successful P2 programs), financial resources, voluntary programs for communities, harnessing solar and wind power, and a wide variety of other topics. Seminar topics include environmental ethics, "Air Quality 101," "Hazardous Waste 101," and new technologies for the next century. The 1999 Pollution Prevention Awards will be presented at a luncheon on 29 September. *For further information contact: Janet Neff; KDHE, Planning and Prevention Section; 1(800) 357-6087.*

NOVEMBER 1999

U.S. EPA Innovative Clean-Up Approaches Conference. The U.S. EPA Office of Research and Development (ORD) and Technology Innovation Office (TIO) are jointly sponsoring the Innovative Clean-Up Approaches Conference on 2-4 November 1999 at the Indian Lakes Resort in Bloomingdale, Illinois (Chicago Metropolitan Area). The conference theme is "Investments in Technology Development, Results and Outlook for the Future." Through a number of legislative programs and special initiatives, U.S. EPA has invested in the development and implementation of characterization and treatment technologies for hazardous waste site remediation. The Agency has also sponsored and promoted the development, demonstration and commercialization of technologies, both directly and with a number of partners in other federal agencies, academia, and the private sector. The conference will provide an opportunity for stakeholders and partners to share the most recent information about the status of these efforts, evaluate success of past efforts, and discuss future research and information needs. Additional conference information, including the conference program and online registration, is available on U.S. EPA's home page at <http://www.epa.gov/ttnrmrl>.

1999 National Pollution Prevention Roundtable (NPPR) Annual Fall Workgroup Conference. The NPPR's fourth annual Fall Workgroup Conference will take place **17-19 November 1999** at the La Fonda Hotel in Santa Fe, New Mexico. The workgroup conference offers NPPR members the opportunity to formulate strategies and address P2 challenges within intimate and interactive sessions, including three plenary sessions and ample breakout time. The Thursday morning plenary will focus on where the P2 movement is headed, and as in years past, the conference will conclude with an information sharing from workgroups on their activities and from the NPPR Board outlining its plans for the coming year. The National Pollution Prevention Roundtable (NPPR) is the largest membership association in the United States dedicated solely to the reduction of pollutants at the source. *For further information contact: NPPR; (202) 466-3908.*

DECEMBER 1999

4th Annual Joint Services P2/Hazardous Waste Management (HWM) Conference & Exhibition. The Fourth Annual Joint Services P2 Conference and Exhibition, "Environmental Stewardship for the Next Millennium," will be held **6-9 December 1999** in San Antonio, Texas. This year's event, which is being expanded to include HWM, will provide an open forum for exchanging ideas, success stories, case histories and technologies. The conference will cross federal, academia and industry boundary lines—opening channels for a combined effort to implement the essential P2/HWM objectives. The Joint Services Conference will be hosted by the Headquarters Air Force Center for Environmental Excellence, Brooks AFB, Texas. Information on the conference is available on the Internet at <http://www.ndia.org/events/brochure/040/040.htm>.

FEDERAL REGULATORY ACTIONS

U.S. ENVIRONMENTAL PROTECTION AGENCY

U.S. EPA Notice: Protection of Stratospheric Ozone (64 FR 30410). U.S. EPA is expanding the list of acceptable substitutes for ozone-depleting substances under its Significant New Alternatives Policy (SNAP) program. On 18 March 1994, U.S. EPA published the Final Rulemaking (59 FR 13044), which described the process for administering the SNAP program and issued U.S. EPA's first acceptability lists for substitutes in the major industrial use sectors. These sectors include: refrigeration and air conditioning; foam blowing; solvents cleaning; fire suppression and explosion protection; sterilants; aerosols; adhesives, coatings and inks; and tobacco expansion. These sectors compose the principal industrial sectors that historically consumed the largest volumes of ozone-depleting compounds. This action was effective 8 June 1999. *For further information contact: Kelly Davis; U.S. EPA, Stratospheric Protection Division; (202) 564-2303.*

U.S. EPA Notice: Release of Draft Voluntary Guide for Industrial Waste Management (64 FR 31576). U.S. EPA, with assistance from state representatives who serve as members of a Task Force from the Association of State and Territorial Solid Waste Management Officials (ASTSWMO), industry, and public interest stakeholders, has developed a draft voluntary *Guide for Industrial Waste Management*. The purpose of the Guide is to assist facility managers in evaluating and choosing protective practices for managing non-hazardous and industrial waste in new landfills, waste piles, surface impoundments, and land application units. It is designed to complement, not supersede, state and tribal industrial non-hazardous waste management programs. Comments will be accepted until 13 December 1999. The Guide is available on the Internet at <http://www.epa.gov/industrialwaste>, and is also available in both paper copy and CD-ROM from the RCRA Hotline at (800) 424-9346. *For further information contact the following U.S. EPA staff members: Paul Cassidy (siting, protecting surface water, designing and installing liners systems, operating, monitoring performance, closure and post-closure care, and CD-ROM); (703) 308-7281; e-mail: cassidy.paul@epamail.epa.gov; John Sager (waste characterization, protecting groundwater, corrective action, and CD-ROM); (703) 308-7256; e-mail: sager.john@epamail.epa.gov; Pat Cohn (building partnerships, integrating pollution prevention, and designing a land application program); (703) 308-8675; cohn.patricia@epamail.epa.gov; Mark Schuknecht (designing a land program only); (703) 308-7494; e-mail: schuknecht.mark@epamail.epa.gov; and Dwight Hlustick (protecting air quality only); (703) 308-8647; e-mail: hlustick.dwight@epamail.epa.gov.*

U.S. EPA Notice: Emergency Planning and Community Right-to-Know; Availability of Guidance Documents (64 FR 32232). U.S. EPA has prepared and is making available several guidance documents to assist industries in understanding their compliance responsibilities in association with Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). One of the documents is an expanded and updated version of the 1997 EPCRA Section 313 Questions and Answers document, which provides guidance on commonly asked questions. U.S. EPA is also making available a crosswalks document, which lists the source of the question and answer and a description of and revisions to the original. Another available document is the "Toxic Chemical Release Inventory Reporting Forms and Instructions: Revised 1998 Version Crosswalks Document," which outlines clarifications made

to the current instructions package. U.S. EPA has also updated several industry-specific guidance documents developed for facilities in the industry groups recently added to the list of industries covered under EPCRA Section 313. These documents are intended to assist these industries in understanding the requirements under EPCRA Section 313 and to help them more easily determine if their facility is likely to have reporting responsibilities. For further information contact the following U.S. EPA staff members: Sara Hisel McCoy (*Questions and Answers document, its Crosswalks document, or the Forms and Instructions Crosswalks document*); (202) 260-7937; e-mail: hisel-mccoy.sara@epa.gov; or Velu Senthil (*industry-specific guidance documents*); (202) 260-3943; e-mail: senthil.velu@epa.gov.

U.S. EPA Advance Notice of Proposed Action: Calculation of the Economic Benefit of Noncompliance in U.S. EPA's Civil Penalty Enforcement Cases (64 FR 32947). In a 9 October 1996 Federal Register Notice, U.S. EPA requested comment on how it calculates the economic benefit that regulated entities obtain as a result of violating environmental requirements; U.S. EPA makes this calculation to establish an appropriate penalty for settlement purposes. This notice provides both responses to the public comments and advance notice of the changes U.S. EPA proposes to make to its benefit recapture approach and to its BEN computer model (which is used by U.S. EPA to calculate economic benefit for purposes of settlement). U.S. EPA also requests comment on these proposed changes. After the comment period closes, U.S. EPA plans to review all of the comments and revise its benefit recapture approach as appropriate. Written comments on the proposed changes to the BEN model and to the agency's benefit recapture approach must be received by 30 July 1999. Electronic copies of these items are downloadable through the Office of Enforcement and Compliance Assurance's World Wide Web site at <http://www.epa.gov/oeca/datasys/dsm2.html>. For further information contact: Jonathan Libber; U.S. EPA, Office of Regulatory Enforcement; (202) 564-6102; e-mail: libber.jonathan@epamail.epa.gov.

U.S. FISH AND WILDLIFE SERVICE (USFWS)

USFWS Proposed Rule: Endangered and Threatened Wildlife and Plants; 90-Day Finding for a Petition to List the Baird's Sparrow as Threatened with Critical Habitat (64 FR 27747). The USFWS is announcing a 90-day finding for a petition to list the Baird's sparrow (*Ammodramus bairdii*) as threatened, and to designate critical habitat, under the Endangered Species Act (ESA). The agency finds that the petition does not present substantial information indicating that listing of this species as threatened may be warranted. The Baird's Sparrow winters in southwestern **Texas**, southern **New Mexico**, and southeastern Arizona and into Mexico. For further information contact: Al Sapa; USFWS; (701) 250-4481. (**Editor's Note: White Sands Missile Range may be affected by this finding.**)

USFWS Notice: Endangered and Threatened Wildlife and Plants: Reopening of Comment Period on 90-Day Finding and Commencement of Status Review for a Petition to List the Black-Tailed Prairie Dog as Threatened (64 FR 29983). The USFWS provides notice of the reopening of the comment period on the 90-day finding for a petition to list the black-tailed prairie dog (*Cynomys ludovicianus*) as a threatened species under the ESA. The black-tailed prairie dog is a colonial ground squirrel found in western North America, including the states of **Kansas**, **Nebraska**, **New Mexico**, **Oklahoma**, and northern **Texas**. The initial comment period opened on 15 March 1999 (64 FR 14424), and closed on 24 May 1999. To accommodate several requests for extensions, the agency is reopening the comment period for an additional 45 days. To be considered in the 12-month finding for this petition, written comments should be received on or before 19 July 1999. For further information contact: Pete Gober; USFWS, South Dakota Ecological Services Field Office; (605) 224-8693.

USFWS Notice: Availability of Final Endangered Species Consultation Handbook for Procedures for Conducting Consultation and Conference Activities Under Section 7 of the ESA (64 FR 31285). The USFWS and the National Marine Fisheries Service announce the availability of their final joint *Endangered Species Consultation Handbook*. The purpose of the handbook is to provide policy and guidance for ESA Section 7 procedures to promote efficiency and nationwide consistency within and between the Services. Although intended primarily as internal agency guidance, this handbook is fully available for public information and use. For further information contact: Sandy Tucker; USFWS, Division of Endangered Species; (703) 358-2106.

KEY ENVIRONMENTAL COMPLIANCE DATES

1 July	Deadline for owners and operators of existing sources subject to 40 CFR Part 63, Subpart DD, and that commenced construction or reconstruction before 13 October 1994, to comply with Subpart DD unless granted an extension.	Clean Air Act (CAA): 40 CFR 63.680(e)(1)	61 FR 34159; 7/1/96
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1 July	Deadline for designated representatives of units participating in the sulfur dioxide opt-in program described under 40 CFR Part 74 during the previous calendar year that estimates any reduction in heat input resulting for improved efficiency to confirm that occurrence in a report to U.S. EPA.	CAA: 40 CFR 74.44(c)(2)(I)	60 FR 17125; 4/4/95
1 July	Deadline for owners and operators of units that had excess emissions of sulfur dioxide during the previous calendar year after making certain adjustments to submit to U.S. EPA a penalty payment, as calculated pursuant to 40 CFR 77.6(b), by this date or 30 days after the designated representative is served notice by U.S. EPA, whichever is earlier.	CAA: 40 CFR 77.6(a)-(f)	58 FR 3759; 1/11/93 as amended by 60 FR 17131; 4/4/95, 62 FR 30995; 6/6/97 and 62 FR 55486; 10/24/97
14 July	Deadline for owners and operators of public water systems subject to disinfection byproduct precursor removal study requirements at 40 CFR 141.141(e)(1) to submit to U.S. EPA a report on the completed study.	Safe Drinking Water Act (SDWA); 40 CFR 141.141(f)	61 FR 24374; 5/14/96
15 July	Deadline for owners and operators of facilities, including high-efficiency boiler operations, used for the commercial storage of polychlorinated biphenyls (PCBs) and PCB items to submit to the appropriate U.S. EPA regional office an annual report prepared from the document log that contains the information specified in 40 CFR 761.180(b)(3)(i)-(vi) for PCBs and PCB items handled as PCB waste during the previous calendar year.	Toxic Substances Control Act (TSCA): 40 CFR 761.180(b)(3)	63 FR 35461; 6/29/98

REGION VI STATE ACTIVITY

ARKANSAS

Legislative/Regulatory Activity

STATE LEGISLATIVE ACTIVITY (Session ended May 1999.)

STATE REGULATORY ACTIVITY (No significant activity for this period.)

(NOTE: General information regarding the Arkansas Department of Environmental Quality (ADEQ) and its various programs, including access to draft and final regulations, is available on the Department's web site at <http://www.adeq.state.ar.us>.)

FEDERAL ACTIONS

U.S. EPA Direct Final Rule; Proposed Rule: Adequacy of State Permit Programs Under RCRA Subtitle D (64 FR 30434/30465). U.S. EPA is taking direct final action to streamline the approval process for specified state permit programs for solid waste disposal facilities other than municipal solid waste landfills (MSWLFs) that receive conditionally exempt small quantity generator (CESQG) hazardous waste. States whose Subtitle D MSWLF permit programs or Subtitle C hazardous waste management programs have been reviewed and approved or authorized by U.S. EPA are eligible for this streamlined approval process if their state programs require the disposal of CESQG hazardous waste in suitable facilities. U.S. EPA is issuing an adequacy determination to 28 state programs, including **Louisiana**. In a separate action, U.S. EPA is also proposing the program adequacy of these states and soliciting comment on this decision. This direct final rule will become effective 7 September 1999, unless U.S. EPA receives relevant adverse comment by 8 July 1999. If relevant adverse comments are received, U.S. EPA will withdraw this direct final rule and address the comments in a subsequent final rule document. *For further information contact: Allen Geswein; U.S. EPA, Office of Solid Waste; (703) 308-7261; e-mail: geswein.allen@epamail.epa.gov.*

U.S. EPA Direct Final Rule; Proposed Rule: Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Louisiana (64 FR 32430/32465). U.S. EPA is approving the Section 111(d) plan submitted by the Louisiana Department of Environmental Quality (LDEQ) on 30 December 1998 to implement and enforce the Emissions Guidelines for existing Hospital/Medical/Infectious Waste Incinerators (MWI). The Emission Guidelines require states to develop plans to reduce toxic air emissions from all MWIs. U.S. EPA is also approving a revision to the Louisiana State Plan as it pertains to existing municipal solid waste landfills. The revision adds certain increments of progress so that U.S. EPA can more effectively track facilities' progress towards compliance. This direct final rule is effective 16 August 1999 without further notice, unless U.S. EPA receives adverse comments by 19 July 1999. If U.S. EPA receives such comments, it will publish a timely withdrawal of the rule in the Federal Register. *For further information contact: Lt. Mick Cote; U.S. EPA Region VI, Air Planning Section; (214) 665-7219.*

STATE LEGISLATIVE ACTIVITY (Session ended 21 June 1999.)

House Bill (HB) 1592 – Voluntary and Remedial Actions Fees. Allows the LDEQ to charge and collect fees for reasonable and appropriate oversight activities (for example, conducting a public hearing) in the Department's voluntary investigation and remedial action program. **Signed by Governor.**

STATE FINAL RULES

VOC Emissions/Industrial Wastewater (25 LAR 850-2). Final rule of the LDEQ, Office of Air Quality and Radiation Protection (OAQRP), amends regulations under 33 LAC III.2153 regarding limitations on VOC emissions from industrial wastewater to increase required control efficiency for biotreatment units from 85 percent to 90 percent, specify methods for demonstrating control efficiency and proper operation, and require 90 percent VOC removal for junction boxes with a pump or significant fluctuations in liquid level. The rule also replaces the phrase "point of generation" with "point of determination." The rule will be submitted to U.S. EPA as part of the VOC state implementation plan (SIP) for reasonably available control technology. The rule was effective 20 May 1999. *For further information contact: Patsy Deaville; LDEQ, Investigations and Regulation Development Division (IRDD); (225) 765-0399.*

Storage of VOCs (25 LAR 852-3). Final rule of the LDEQ, OAQRP, amends regulations under 33 LAC III.2103 and .2113 regarding the storage of VOCs. The rule replaces "true vapor pressure" with "maximum true vapor pressure" to correspond to federal regulations for VOC storage vessels and deletes permit application requirements for a VOC reduction or prevention housekeeping plan. The rule was effective 20 May 1999. *For further information contact: Patsy Deaville; LDEQ, IRDD; (225) 765-0399.*

STATE PROPOSED RULES

Hazardous Waste/90-Day Tanks (Log #HW067). Proposed rule of the LDEQ, Office of Waste Services, amends regulations under 33 LAC V.1909.D to make Louisiana's hazardous waste regulations on 90-day tanks clearer and to lessen the risk of accidental releases of hazardous waste due to having to physically open and inspect the tanks every 90 days. A public hearing will be held on 26 July 1999 in Baton Rouge. Written comments must be received no later than 2 August 1999. *For further information contact: Patsy Deaville; LDEQ, IRDD; (225) 765-0399.*

Implementation of National Emission Standards for Hazardous Air Pollutants (NESHAPs) (Log #AQ193). Proposed rule of the LDEQ, OAQRP, amends regulations under 33 LAC III.5116, 5122, AND 5311 to incorporate by reference additional federal regulations in 40 CFR Parts 61 and 63, NESHAPs. These changes will expedite both U.S. EPA's approval process and the state implementation of delegation of authority for the NESHAP program. A public hearing will be held on 26 July 1999 in Baton Rouge. Written comments must be received no later than 26 July 1999. *For further information contact: Patsy Deaville; LDEQ, IRDD; (225) 765-0399.*

Water Quality/Federal Regulations (Log #WP032). Proposed rule of the LDEQ, Office of Water Resources, amends regulations at 33 LAC IX.2301, 2531, and 2533 to update the incorporation by reference of federal regulations to refer to those regulations published in the July 1998 *Code of Federal Regulations*, unless otherwise noted. This proposed rule is identical to federal regulations found in all 40 CFR sections referenced in 33 LAC IX, Chapter 23; 40 CFR 136; 40 CFR 4001, 401, and 404-471, which are applicable in Louisiana. A public hearing will be held on 26 July 1999 in Baton Rouge. Written comments must be received no later than 26 July 1999. *For further information contact: Patsy Deaville; LDEQ, IRDD; (225) 765-0399.*

STATE NOTICES

Hazardous Waste/Federal Standards (25 LAR 853-7). Notice of the LDEQ, Hazardous Waste Division, announces technical corrections to a final rule (25 LAR 430; 03/20/99) that amended regulations under 33 LAC V, Chapters 1 through 49 (nonconsecutive), to incorporate by reference federal standards to maintain equivalency with federal hazardous waste regulations and to obtain authorization from U.S. EPA for RCRA VII, VIII, and IX authorization packages. The rule affects provisions regarding capacity variance and replacement standards for spent potliners, condensates from kraft mill steam strippers, PCB-contaminated used oil, Phase IV land disposal restrictions (LDR), modifications of existing RCRA permits, process wastes from petroleum refining, LDR treatment standards for metal-bearing waste, treatment standards for carbamate wastes, requirements for post-closure permits, and closure of land-based units. The notice reprints the entire text of the rule to correct citations to state regulations. *For further information contact: Patsy Deaville; LDEQ, IRDD; (225) 765-0399.*

(NOTE: Current regulatory information from the LDEQ, including notices of intent, emergency rules, and final rules, can be found on LDEQ's web site at <http://www.deq.state.la.us>. Click on "Legal Affairs and Enforcement," "Rules and Regulations," and "Additions to the Louisiana Register.")

NEW MEXICO

Legislative/Regulatory Activity

FEDERAL ACTIONS

U.S. EPA Direct Final Rule; Proposed Rule: Approval and Promulgation of Implementation Plans; State of New Mexico and County of Bernalillo, New Mexico; State Boards (64 FR 29235/29255). U.S. EPA is approving the SIP revisions for Board composition and conflict of interest disclosure requirements submitted both by the State of New Mexico and by Albuquerque/Bernalillo County, New Mexico. The SIP revisions were submitted by the county and the state to satisfy a mandate in Section 128 of the CAA, and in response to a 19 July 1989 SIP call letter to the Governor of New Mexico requiring a cure to identified SIP deficiencies concerning State Boards. U.S. EPA approval of these New Mexico SIP revisions make the revisions federally enforceable. This action is effective 2 August 1999 without further notice, unless U.S. EPA receives adverse comment by 1 July 1999. If adverse comment is received, a timely withdrawal will be published in the Federal Register. *For further information contact: Dr. John Crocker, P.E.; U.S. EPA Region VI, Air Planning Section; (214) 665-7596.*

STATE LEGISLATIVE ACTIVITY (Session ended 20 March 1999.)

STATE FINAL RULES

Radiologic Technology Certification (10 NMR 352-3). Final rule of the New Mexico Environmental Improvement Board (NMEIB) amends regulations under 20 NMAC 3.2 regarding radiation protection and radiologic technology certification. The rule revises provisions governing specified procedures, application requirements, certification terms, and continuing education. The rule is effective 15 July 1999. *For further information contact: Bill Floyd; New Mexico Environment Department (NMED), Hazardous and Radioactive Material Bureau; (505) 827-4300.*

STATE PROPOSED RULES

Underground Storage Tanks (USTs) (10 NMR 267-8). Proposed rule of the NMEIB, Underground Storage Tank Bureau (USTB), would amend regulations under 20 NMAC 5.1 through .16 (nonconsecutive) regarding USTs. The proposal would revise provisions governing registration; annual fees; release detection, reporting, investigation, and confirmation; out-of-service systems and closure; financial responsibility; administrative review; corrective action for UST systems containing petroleum product and other regulated substances; certification of tank installers; corrective action fund use and expenditures; and qualifications of contractors. A hearing is scheduled for 15-16 July 1999 in Santa Fe. Comments are requested, but a due date is not specified. *For further information contact: Anna Richards; USTB; (505) 827-0158.*

New Source Performance Standards (NSPSs)/NESHAPs (10 NMR 283). Proposed rule of the Albuquerque/Bernalillo County Air Quality Control Board would amend regulations under 20 NMAC 11.63 and .64 to incorporate by reference new and amended NSPSs and NESHAPs issued from 1 July 1998 through 1 July 1999. A hearing is scheduled for 14 July 1999 in Albuquerque. *For further information contact: Michael Smith; Environmental Health Department; (505) 768-2600.*

Federal Standards (10 NMR 310-2). Proposed rule of the NMEIB would amend regulations under 20 NMAC 2.77, .78, .82, .98, and .99 regarding transportation conformity, general conformity, NSPSs, NESHAPs, and maximum achievable control technology (MACT) standards for source categories for hazardous air pollutants. The proposal would revise provisions to comply with federal standards and the SIP, require federally funded road projects to minimize or decrease vehicle traffic emissions, and set forth that federal projects must not increase the frequency or severity of exceedances or violations of the national ambient air quality standards (NAAQS). The proposal also would incorporate by reference federal NSPSs and NESHAPs promulgated through 1 April 1999 and incorporate by reference federal requirements for MACT for source categories of hazardous air pollutants promulgated through 1 April 1999. A hearing is scheduled for 28 and 29 July 1999 in Santa Fe. Comments are due 29 July 1999. *For further information contact: Jim Nellessen; NMEIB; Air Quality Bureau; (505) 827-0048.*

STATE NOTICES

USTs (10 NMR 312-3). Notice of the NMEIB, USTB, announces the rescheduling of a hearing for a proposed rule (10 NMR 267; 05/14/99) that would amend regulations under 20 NMAC 5.1 through .16 (nonconsecutive) regarding USTs. The proposal would revise provisions governing registration; annual fees; release detection, reporting, investigation, and confirmation; out-of-service systems and closure; financial responsibility; administrative review; corrective action for UST systems containing petroleum product and other regulated substances; certification of tank installers; corrective action fund use and expenditures; and qualifications of contractors. The hearing is now scheduled for 28 and 29 July 1999 in Santa Fe. *For further information contact: Anna Richards; USTB; (505) 827-0158.*

(NOTE: General information regarding the NMED and its various programs, including regulations and permitting, is available on NMED's web site at <http://www.nmenv.state.nm.us/frhome.html>.)

FEDERAL ACTIONS

U.S. EPA Direct Final Rule; Proposed Rule: Adequacy of State Permit Programs Under RCRA Subtitle D (64 FR 30434/30465). U.S. EPA is taking direct final action to streamline the approval process for specified state permit programs for solid waste disposal facilities other than municipal solid waste landfills (MSWLFs) that receive conditionally exempt small quantity generator (CESQG) hazardous waste. States whose Subtitle D MSWLF permit programs or Subtitle C hazardous waste management programs have been reviewed and approved or authorized by U.S. EPA are eligible for this streamlined approval process if their state programs require the disposal of CESQG hazardous waste in suitable facilities. U.S. EPA is issuing an adequacy determination to 28 state programs, including **Oklahoma**. In a separate action, U.S. EPA is also proposing the program adequacy of these states and soliciting comment on this decision. This direct final rule will become effective 7 September 1999, unless U.S. EPA receives relevant adverse comment by 8 July 1999. If relevant adverse comments are received, U.S. EPA will withdraw this direct final rule and address the comments in a subsequent final rule document. *For further information contact: Allen Geswein; U.S. EPA, Office of Solid Waste; (703) 308-7261; e-mail: geswein.allen@epamail.epa.gov.*

STATE LEGISLATIVE ACTIVITY (Session ended 28 May 1999.)

STATE FINAL RULES

Emissions Standards (16 OKR 1758-97). Final rule of the Oklahoma Department of Environmental Quality (ODEQ) amends regulations under OAC 252:100-5, -7, -8, -37, and -39 to increase annual operating fees for minor facilities, include a provision for state appropriations and federal grants to be used to offset annual operating fees assessed to minor facilities, and increase the base annual operating fee for Part 70 sources. The rule also modifies language applicable to de minimis facilities, permit by rule (PBR), and general permits; outlines criteria necessary for a facility to qualify for a PBR; removes the lower limit for general permits; increases fees for minor facilities for applicability determinations, relocation permits, and applications for individual permits; increases applicability determination fees for Part 70 sources; incorporates by reference federal regulations under 40 CFR 63.41, 63.43, and 63.44 promulgated 1 July 1998; and updates the definition of "volatile organic compounds." In addition, the rule revises provisions for control of emission of organic materials and emission of organic materials in nonattainment areas. The rule was effective 11 June 1999. *For further information contact: Jeannette Buttram; ODEQ, Air Quality Division; (405) 702-4100.*

Hazardous Waste Management (16 OKR 1797-818). Final rule of the ODEQ revokes regulations under OAC 252:200 governing hazardous waste management. The rule is necessary because the standards are being replaced by OAC 252:205 which is being adopted concurrently (16 OKR 1819; 06/01/99). The rule was effective 11 June 1999. *For further information contact: Jerry Sanger; ODEQ; (405) 702-5172.*

Hazardous Waste Management (16 OKR 1819-39). Final rule of the ODEQ adopts regulations under a new Chapter OAC 252:205 to simplify and clarify hazardous waste management standards and incorporate federal standards revised as of 1 July 1998. The rule also clarifies that although federal standards conditionally exempt small quantity generators to dispose of their hazardous waste in certain solid waste landfills, the practice is prohibited by state law. The rule was effective 11 June 1999. *For further information contact: Jerry Sanger; ODEQ; (405) 702-5100.*

Landfills (16 OKR 1857-63). Final rule of the ODEQ amends regulations under OAC 252:520-9-11, -21-1, -21-2, -21-3, -21-6, and -23-51 regarding solid waste management. The rule requires owners/operators of landfills to establish vegetative cover over certain fill areas that will not receive more waste in the near future and affects procedures for reimbursement to reflect payment on tons of processed materials rather than number of tires. The rule also clarifies a maximum pay-in period for using a trust fund as a financial assurance mechanism for assuring closure and post-closure costs. The rule was effective 11 June 1999. *For further information contact: Chris Varga; ODEQ, Waste Management Division; (405) 702-5155.*

Individual and Small Public On-Site Sewage Disposal (16 OKR 1863-925). Final rule of the ODEQ revokes regulations under OAC 252:640 and adopts regulations under a new Chapter OAC 252:641 to simplify and clarify standards for individual and small public on-site sewage disposal systems. The rule affects any person who owns, constructs, installs, or operates an on-site sewage disposal system. The rule also consolidates existing provisions by incorporating the septic tank system and installer certification program under OAC 252:700. The rule was effective

11 June 1999. For further information contact: David Freede; ODEQ, Environmental Complaints and Local Services; (405) 702-6222.

(NOTE: General information regarding the ODEQ and its various programs, including access to rules and regulations, is available on ODEQ's web site at <http://www.deq.state.ok.us>.)

TEXAS

Legislative/Regulatory Activity

FEDERAL ACTIONS

U.S. EPA Final Rule: Finding of Failure to Submit Required SIPs for Ozone; Texas; Dallas/Fort Worth (DFW) Ozone Nonattainment Area (64 FR 29570). U.S. EPA is taking final action to find that the State of Texas failed to submit the required SIP for the DFW ozone nonattainment area, as required by the CAA. The required submittal is the serious area plan requirements for attainment of the ozone NAAQS. The deadline for the State to make the submittal was 20 March 1999. The State submitted an SIP for the DFW area on 18 March 1999, but U.S. EPA finds the State's attainment demonstration and Rate-Of-Progress Plan to be incomplete. The finding of an incomplete submittal triggers the 18-month time clock for mandatory application of sanctions and a two-year time clock for a Federal Implementation Plan under the CAA. This final rule was effective 13 May 1999. For further information contact: Herbert Sherrow, Jr.; U.S. EPA Region VI, Air Planning Section; (214) 665-7237.

U.S. EPA Direct Final Rule; Proposed Rule: Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Texas (64 FR 32427). U.S. EPA is approving the Section 111(d) plan submitted by the Governor of Texas on 3 November 1998 to implement and enforce the Emissions Guidelines for existing Municipal Solid Waste (MSW) Landfills. The Emissions Guidelines require states to develop plans to collect landfill gas from large MSW landfills. This direct final rule is effective 16 August 1999 without further notice, unless U.S. EPA receives adverse comments by 19 July 1999. If adverse comments are received, a timely withdrawal of the rule will be published in the Federal Register. For further information contact: Lt. Mick Cote; U.S. EPA Region VI, Air Planning Section; (214) 665-7219.

STATE LEGISLATIVE ACTIVITY (Session ended 31 May 1999.)

HB 1479 – Wastewater Discharge Permits. Allows for the renewal or amendment of a wastewater discharge permit without a public hearing, if there is no significant change in permit discharge conditions or if the quality of the waste authorized to be discharged under the permit is to be improved. **Signed by the Governor on 19 June 1999; effective 1 September 1999.**

HB 2815 – USTs. Requires the owner or operator of a UST to complete an annual tank compliance certification form and provides civil and criminal penalties for certain violations. **Signed by the Governor on 19 June 1999; effective 1 September 1999. (Counsel Comment: This bill clarifies both: (1) the ambiguous language of technical requirements, and (2) grammar. While it is difficult at this time to determine the impacts of this legislation, it appears that the most significant impact will be the requirement for the owner or operator to prepare and sign an annual compliance certification form.)**

HB 3678 – Air Emission Permits. Provides that before construction is begun on the modification of a permitted facility emitting air contaminants, individuals planning the construction must obtain a permit or permit amendment from the Texas Natural Resource Conservation Commission (TNRCC). **Committee report considered in calendars in May 1999; no further action.**

SB 766 – Air Permitting (General). Authorizes the TNRCC to issue a voluntary emissions reduction permit to facilities not subject to the requirements of obtaining permits. Establishes a permit by rule for types of facilities that will not significantly contribute air contaminants to the atmosphere. Authorizes the TNRCC to develop, by rule, the criteria to establish a de minimis level of air contaminants for facilities or groups of facilities below which no permit, standard permit, or permit by rule will be required. **Signed by the governor on 18 June 1999; effective 30 August 1999.**

STATE FINAL RULES

Hazardous Chemicals (24 TXR 3710-23, 3762-3). Final rule of the Texas Department of Health (TDH) amends regulations under 25 TAC 295.1 through .3, repeals regulations under 25 TAC 295.4, .5, .7, and .8, and adopts regulations under 25 TAC 295.4 through .9 and .11 through .13 regarding requirements for public employers to

protect employees from hazardous chemicals. The rule adds and revises definitions; reorganizes the provisions; reflects a change in the division's name; establishes provisions regarding the workplace chemical list; and requires employers, chemical manufacturers, and distributors to provide material safety data sheets for hazardous chemicals. The rule also clarifies labeling standards, establishes standards for the written hazard communication program, implements standards related to complaint investigations and random compliance inspections, and sets forth reporting requirements regarding employee fatalities and injuries related to chemical accidents. In addition, the rule clarifies procedures for employers to respond to written notices of violation, establishes standards for the workplace, outlines employee rights, and makes technical corrections. The rule is effective 1 September 1999. *For further information contact: Claren Kotrla; TDH, Toxic Substances Control Division; (512) 834-6603.*

Hazardous and Solid Waste Management Facilities (24 TXR 3723-5). Final rule of the TNRCC repeals regulations under 30 TAC 120.1 through .31 (nonconsecutive) to eliminate provisions governing the control of air pollution from hazardous waste or solid waste management facilities. The rule deletes permitting provisions that duplicate requirements under 30 TAC 335. The rule was effective 20 May 1999. *For further information contact: Barry Irwin; TNRCC, Air Policy and Regulations Division; (512) 239-1461.*

Hazardous Waste/Consolidated Permits (24 TXR 3725-6). Final rule of the TNRCC amends regulations under 30 TAC 305.50 and repeals regulations under 30 TAC 305.146 regarding consolidated permits. The rule eliminates certain application requirements for hazardous waste storage, processing, and disposal permits that are more stringent than statutory provisions and deletes a redundant reporting requirement. The rule was effective 20 May 1999. *For further information contact: Wayne Harry; TNRCC; (512) 239-6619.*

Industrial Solid and Municipal Hazardous Wastes (24 TXR 3726-30). Final rule of the TNRCC amends regulations under 30 TAC 335.9, .10, .15, .112, .115, .117, .152, .155, and .159 and repeals regulations under 30 TAC 335.114 and .154 regarding industrial solid waste and municipal hazardous waste. The rule revises state provisions to conform to federal regulations; reduces the reporting frequency for interim status and permitted RCRA hazardous waste storage, processing, and disposal facilities from annually to biennially; and deletes certain cross references. The rule also exempts hazardous waste shipments from manifesting if they are transported along a public right-of-way joining contiguous land controlled by the same person and clarifies provisions governing monthly waste receipt summary reports. The rule was effective 20 May 1999. *For further information contact: Wayne Harry; TNRCC; (512) 239-6619.*

STATE PROPOSED RULES

Industrial Solid and Municipal Hazardous Wastes (24 TXR 3829-40, 3875). Proposed rule of the TNRCC would amend regulations under 30 TAC 335.1 and .2 and adopt regulations under a new Section 30 TAC 335.25 regarding industrial solid waste and municipal hazardous waste. The proposal would revise definitions; update provisions governing required permits; and establish provisions governing handling, storing, processing, transporting, and disposing of poultry carcasses. A hearing was scheduled for 10 June 1999 in Austin. *For further information contact: Hector Mendieta; TNRCC; (512) 239-6694. (Editor's Note: Also see related notice, "Industrial Solid and Municipal Hazardous Wastes" (24 TXR 4503), under "State Notices" below.)*

Industrial Solid and Municipal Hazardous Wastes (24 TXR 4171-3). Proposed rule of the TNRCC would amend regulations under 30 TAC 335.112 and .152 regarding industrial solid waste and municipal hazardous waste. The proposal would add references to the definition of "substantial business relationship," which is proposed currently (24 TXR 4174; 06/04/99) under 30 TAC 37.11. *For further information contact: Linda Shirck; TNRCC, Office of Administrative Services; (512) 239-6260.*

VOCs/Ground-Level Ozone (24 TXR 4345-7, 4504-5). Proposed rule of the TNRCC would amend regulations under 30 TAC 115.127 regarding the control of air pollution from VOCs. The proposal would revise the SIP to control vent gas emissions in ozone nonattainment areas. The proposal would also change the term "undesigned head" to "division." A hearing is scheduled for 8 July 1999 in Austin. Comments are due 12 July 1999. *For further information contact: Ann Hammer; TNRCC, Office of Environmental Policy, Analysis, and Assessment; (512) 239-6255.*

Pollutant Discharge Elimination System Permits (24 TXR 4426-34). Final rule of the TNRCC amends regulations under 30 TAC 39.5, .15, .17, and .151 to revise provisions governing public notice for minor changes to state pollutant discharge elimination system permits and for new permits for which the discharge is authorized by an existing state permit issued before 14 September 1998. The rule also implements a transitional notice rule for new applications for initial permit authorization for discharges already authorized by existing state permits issued before

14 September 1998. The rule was effective 17 June 1999. *For further information contact: Emily Rogers; TNRCC; (512) 239-0649.*

Tax Exemptions for Pollution Control Property (24 TXR 4434-5). Final rule of the TNRCC repeals regulations under 30 TAC 277.1 through .20 (nonconsecutive) concerning tax exemptions for pollution control property. A new Chapter 30 TAC 17 (24 TXR 4424; 06/11/99), adopted concurrently, replaces the provisions. The rule was effective 17 June 1999. *For further information contact: Gary McArthur; TNRCC, Office of the Chief Engineer; (512) 239-1917.*

Application for Wastewater Discharge (24 TXR 4435-41). Final rule of the TNRCC amends regulations under 30 TAC 281.5 regarding permit applications for wastewater discharge, underground injection, municipal solid waste, hazardous waste, and industrial solid waste management. The rule clarifies that permittees seeking renewal of their permit and permittees seeking a new state pollutant discharge elimination system permit similar to their existing permit need not submit an adjacent and downstream landowner list. The rule conforms to provisions amended concurrently (24 TXR 4441; 06/11/99) under 30 TAC 305.48 regarding additional contents of applications for wastewater discharge permits. The rule was effective 17 June 1999. *For further information contact: Emily Rogers; TNRCC; (512) 239-0649.*

Application for Wastewater Discharge (24 TXR 4441-7). Final rule of the TNRCC amends regulations under 30 TAC 305.48, .62, and .71 regarding additional contents for applications for wastewater discharge permits. The rule clarifies the documents that must be submitted with certain state pollutant discharge elimination system permit applications; establishes permit changes that qualify as major amendments, minor amendments, and minor modifications; and allows the commission to issue a permit for less than two years for specified circumstances. The rule also clarifies that permittees seeking renewal of their permits need not submit an adjacent and downstream landowner list and sets forth that permittees seeking a new permit for the identical discharge as in an existing state permit issued before 14 September 1998, with no major amendments, would not be required to provide an adjacent and downstream landowner list. The rule conforms to provisions amended concurrently (24 TXR 4435; 06/11/99) under 30 TAC 281.5 regarding permit applications for waste water discharge, underground injection, municipal solid waste, hazardous waste, and industrial solid waste management. The rule was effective 17 June 1999. *For further information contact: Emily Rogers; TNRCC; (512) 239-0649.*

Applications for Hazardous Waste Permits (24 TXR 4530-2). Proposed rule of the TNRCC would amend regulations under 30 TAC 305.51 regarding consolidated permits. The proposal would conform to federal standards and add language regarding compliance with the NESHAP for hazardous waste combustors so that the changes would be allowed under interim status. The proposal also would increase the state's level of authorization to operate aspects of the federal hazardous waste program. Comments are due 19 July 1999. *For further information contact: Ray Austin; TNRCC; (512) 239-6814.*

Industrial Solid and Municipal Hazardous Waste (24 TXR 4532-9, 4596-604). Proposed rule of the TNRCC would amend regulations under 30 TAC 335.1 regarding industrial solid waste and municipal hazardous waste. The proposal would conform to federal provisions by providing an exclusion for the definition of "solid waste" for comparable fuels and revise the definition of "manifest." The proposal would increase the state's level of authorization to operate aspects of the federal hazardous waste program. Comments are due 19 July 1999. *For further information contact: Ray Austin; TNRCC; (512) 239-6814.*

STATE NOTICES

Risk Reduction Program (24 TXR 3783-4). Notice of the TNRCC announces editorial corrections to a proposed rule (24 TXR 2208; 03/26/99) that would adopt regulations under a new Chapter 30 TAC 350 to establish a uniform set of risk-based performance-oriented technical standards to guide response actions at affected properties under the Office of Waste Management and other applicable program areas. *For further information contact: Chet Clarke; TNRCC, Remediation Division; (512) 239-0310.*

Industrial Solid and Municipal Hazardous Wastes (24 TXR 4503). Notice of the TNRCC announces editorial corrections to a proposed rule (24 TXR 3829; 05/21/99) that would amend regulations under 30 TAC 335.1 and .2 and adopt regulations under a new Section 30 TAC 335.25 regarding industrial solid waste and municipal hazardous waste. The proposal would revise definitions; update provisions governing required permits; and establish provisions governing handling, storing, processing, transporting, and disposing of poultry carcasses. *For further information contact: Hector Mendieta; TNRCC; (512) 239-6694. (Editor's Note: See referenced proposed rule, "Industrial Solid and Municipal Hazardous Wastes" (24 TXR 3829-40, 3875), under "State Proposed Rules" above.)*

(NOTE: Current TNRCC regulatory information, including proposals, adoptions, and a rules tracking log, is available on TNRCC's web site at <http://www.tnrcc.state.tx.us>.)

REGION VII STATE ACTIVITY

IOWA

State Legislative/Regulatory Activity

FEDERAL ACTIONS

U.S. EPA Direct Final Rule; Proposed Rule: Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Control of Emissions from Hospital/Medical/Infectious Waste Incinerators (HMIWIs); State of Iowa (64 FR 32425/32464). U.S. EPA is approving the state of Iowa's Section 111(d) plan for controlling emissions from existing HMIWIs. The plan was submitted to fulfill the requirements of Sections 111 and 129 of the CAA. The state plan establishes limits and controls for sources constructed on or before 20 June 1996. This direct final rule is effective 16 August 1999 without further notice, unless U.S. EPA receives adverse comment by 19 July 1999. If adverse comment is received, U.S. EPA will publish a timely withdrawal of the rule in the Federal Register. *For further information contact: Wayne Kaiser; U.S. EPA Region VII, Air Planning and Development Branch; (913) 551-7603.*

STATE LEGISLATIVE ACTIVITY (Session ended 30 April 1999.)

STATE PROPOSED RULES

Wastewater Construction (21 IAAB 2790, 2802-3). Proposed rule of the Iowa Department of Natural Resources (IDNR), Environmental Protection Commission, would amend regulations under 567 IAC 64.6(6) and .15(2) regarding wastewater construction and operation permits. The proposal would clarify storm water general permit requirements regarding the transfer of property on which construction activity is taking place while the property is still covered under the provisions of the storm water permit. The proposal also would outline the responsibilities of both the permittee and the transferee, specify the conditions under which a permittee may be exempted from keeping records on the construction site, and make editorial corrections. A hearing was scheduled for 18 June 1999 in Des Moines. *For further information contact: IDNR; (515) 281-5145.*

(NOTE: General information regarding the IDNR and its various programs, including a status report on proposed rules, draft rules, adopted rules awaiting publication, and recently adopted rules, is available on IDNR's web site at <http://www.state.ia.us/government/dnr/index.html>.)

FEDERAL ACTIONS

U.S. EPA Final Rule; Correction: Approval and Promulgation of Implementation Plans; State of Kansas (64 FR 32809). On 27 May 1999, U.S. EPA published a document (64 FR 28757) adding Section 52.869. The intent of the rule was to conditionally approve elements of the maintenance plan revision to the SIP submitted by the Governor's designee on 21 May 1998, which address contingency measures for the Kansas City ozone maintenance area. In addition, the rule intended to establish a window of one year from the effective date of the final rule under which Kansas must submit additional air pollution control measures to receive full approval of the revised SIP. The rule incorrectly established a window of 30 days rather than one year. This action corrects the erroneous date. The date is being amended from 28 June 1999 to 28 June 2000. The final rule was effective 28 June 1999. *For further information contact: Royan Teter; U.S. EPA Region VII, Air Planning and Development Branch; (913) 551-7609.*

STATE LEGISLATIVE ACTIVITY (Session ended 10 April 1999.)

STATE FINAL RULES

Hazardous Waste Management (18 KSR 673-82). Final rule of the Kansas Department of Health and Environment (KDHE) amends regulations under KAR 28-31-1 through -14 (nonconsecutive); adopts regulations under new Sections KAR 28-31-6a, -15, and -16; and repeals regulations under KAR 28-29-26 and 28-31-9 regarding hazardous waste management. The rule incorporates by reference revisions to regulations under 40 CFR 124 through 279 (nonconsecutive) promulgated 1 July 1996, and 49 CFR Parts 172, 173, 178, and 179 promulgated 1 October 1996, to maintain authorization for the department to conduct the federal hazardous waste management program in lieu of U.S. EPA. The rule revises the provisions to comply with specific state program requirements. The rule was effective 4 June 1999. *For further information contact: Christine Mennicke; KDHE, Bureau of Waste Management; (785) 296-0724.*

Emergency Planning/Tier II Reports (18 KSR 682-3). Final rule of the KDHE amends regulations under KAR 28-65-1, -2, and -3 regarding emergency planning and community right-to-know. The rule updates the incorporation by reference of federal standards as of 1 July 1998. The rule allows facilities to file their state Tier II reports by electronic submission or by submittal of the written form. The rule was effective 4 June 1999. *For further information contact: Scott Bangert; KDHE; (785) 296-1689.*

NSPSs/NESHAPs (18 KSR 782). Final rule of the KDHE, Bureau of Air and Radiation (BAR), amends regulations under KAR 28-19-720, -735, and -750 regarding air emission standards to update references to federal regulations under 40 CFR 60, 61, and 63. The rule changes the date of incorporation by reference to 1 July 1998 for federal new source performance standards, national emission standards for hazardous air pollutants, and maximum achievable control technology standards. The rule was effective 11 June 1999. *For further information contact: Ralph Kieffer; KDHE, BAR; (785) 296-1579.*

STATE PROPOSED RULES

Asbestos Control (22 KSR 842-3). Proposed rule of the KDHE would amend regulations under KAR 28-50-1 through -10 (nonconsecutive) and repeal regulations under KAR 28-50-4, -7, and -14 regarding asbestos control. The proposal would extend U.S. EPA training requirements to include abatement projects conducted in public and commercial buildings, exempt demolition abatement in residences unless the properties are subject to U.S. EPA requirements, and increase the amount of asbestos-containing materials that would be subject to the provisions to coincide with OSHA standards. The proposal also would implement recent federal occupational safety and health policy changes regarding respirators and filters, describe when abatement activities are subject to licensing, revise provisions pertaining to types and approval of respirators, increase the cost of the asbestos Class I and II worker certification, and revise training requirements in accordance with U.S. EPA's amended Asbestos Model Accreditation Plan. In addition, the proposal would delete an examination requirement for class II certification, reduce the project notification evaluation fee for certain projects, align the collection of fees with the amount of revenue necessary for administration of the program, and incorporate federal standards pertaining to work practice procedures. Finally, the proposal would delete requirements that the waste generator obtain authorization from the department prior to disposing of friable materials in state-licensed landfills, delete redundant provisions, and make technical and editorial changes. A hearing is scheduled for 4 August 1999 in Topeka. Comments are due 4 August 1999. *For further information contact: Russell Brichacek; KDHE; (785) 296-1544.*

(NOTE: General information regarding the KDHE and its various programs, including access to rules and regulations, is available on KDHE's web site at <http://www.kdhe.state.ks.us>.)

MISSOURI

Legislative/Regulatory Activity

FEDERAL ACTIONS

U.S. EPA Final Rule; Correction: Approval and Promulgation of Implementation Plans; State of Missouri (64 FR 32809). On 27 May 1999, U.S. EPA published a document (64 FR 28753) adding Section 52.1319. The intent of the rule was to conditionally approve elements of the maintenance plan revision to the SIP submitted by the Governor's designee on 23 March 1998, which address contingency measures for the Kansas City ozone maintenance area. In addition, the rule intended to establish a window of one year from the effective date of the final rule under which Missouri must submit additional air pollution control measures to receive full approval of the revised SIP. The rule incorrectly established a window of 30 days rather than one year. This action corrects the erroneous date. The date is being amended from 28 June 1999 to 28 June 2000. The final rule was effective 28 June 1999. *For further information contact: Royan Teter; U.S. EPA, Air Planning and Development Branch; (913) 551-7609.*

STATE LEGISLATIVE ACTIVITY (Session ended 14 May 1999.)

STATE FINAL RULES

HMIWIs. Final rule of the Missouri Department of Natural Resources (MDNR), Air Conservation Commission, adopts regulations under a new Rule 10 MCSR 10-6.200 regarding HMIWIs. The rule establishes emission limits for existing incinerators for such pollutants as metals, particulate matter, acid gases, organic compounds, carbon monoxide, and opacity. The rule also establishes requirements for operator training and qualification, waste management, compliance and performance testing, monitoring, and recordkeeping and reporting. The rule is effective 30 days after publication in the Code of State Regulations. *For further information contact: Roger Randolph; MDNR, Air Pollution Control Program (APCP); (573) 751-4817.*

STATE PROPOSED RULES

Air Quality Construction Permits (24 MOR 1208-15). Proposed rule of the MDNR, Air Conservation Commission (ACC), would amend regulations under 10 MCSR 10-6.060 regarding the air quality construction permit review process. The proposal would establish a fixed fee for portable plant relocations, create a new permit-by-rule exemption to establish general construction permits for common permit situations, establish a negligible emission level to exempt very small projects from permit review, clarify when particular reviews require an analysis of air quality impacts, and change the method of aggregating emission increases to align it with federal regulations and policy. The proposal will be submitted to U.S. EPA as a revision to the SIP. A hearing was scheduled for 24 June 1999 in Jefferson City. *For further information contact: Roger Randolph; MDNR, APCP; (573) 751-4817.*

Air Quality/Penalty Assessment (24 MOR 1215-24). Proposed rule of the MDNR, ACC, would repeal and readopt regulations under 10 MCSR 10-6.230 regarding air quality standards to establish department penalty assessment criteria that are consistent and reflect current state law. The proposal would set forth penalty determination procedures that consider the potential for harm and the extent of deviation from state regulations; multiple violations; violations continuing for more than one day; any economic benefit of the violation to the violator; and adjustments based on new information, good faith efforts to comply, culpability, history, ability to pay, and other factors. The proposal also would specify that penalty proceeds be used to benefit schools in the county where the violation occurred, establish that the penalties do not satisfy any claim by the state for natural resource damage, set forth general provisions, and define terms. A hearing was scheduled for 24 June 1999 in Jefferson City. *For further information contact: Steve Feeler, Chief, Enforcement Section; MDNR; (573) 751-4817. **

Water Quality/Penalty Assessment (24 MOR 1225-38). Proposed rule of the MDNR, Clean Water Commission (CWC), would repeal and readopt regulations under 10 MCSR 20-3.010 to establish penalty assessment criteria for water quality enforcement. The proposal would set forth penalty determination procedures that consider the potential for harm and the extent of deviation from state regulations; multiple violations; violations continuing for more than one day; any economic benefit of the violation to the violator; and adjustments based on new information, good faith efforts to comply, culpability, history, ability to pay, and other factors. The proposal also would specify that penalty proceeds be used to benefit schools in the county where the violation occurred, establish that the penalties do not satisfy any claim by the state for natural resource damage, set forth general provisions, and define terms. In addition, the proposal would include point assessment tables for potential for harm and extent of deviation in various

circumstances. A hearing is scheduled for 15 September 1999 in Columbia. Comments are due 8 September 1999. *For further information contact: Steve Feeler, Chief, Enforcement Section; MDNR; (573) 751-4817. **

USTs/Penalty Assessment (24 MOR 1239-47). Proposed rule of the MDNR, CWC, would repeal and readopt regulations under 10 MCSR 20-13.080 to establish penalty assessment criteria for the enforcement of UST standards. The proposal would set forth penalty determination procedures that consider the potential for harm and the extent of deviation from state regulations; multiple violations; violations continuing for more than one day; any economic benefit of the violation to the violator; and adjustments based on new information, good faith efforts to comply, culpability, history, ability to pay, and other factors. The proposal also would specify that penalty proceeds be used for schools in the county where the violation occurred, establish that the penalties do not satisfy claims by the state for natural resource damage, set forth general provisions, and define terms. A hearing is scheduled for 15 September 1999 in Columbia. Comments are due 8 September 1999. *For further information contact: Steve Feeler, Chief, Enforcement Section; MDNR; (573) 751-4817. **

Hazardous Waste/Penalty Assessment (24 MOR 1248-57). Proposed rule of the MDNR, Hazardous Waste Commission, would repeal and readopt regulations under 10 MCSR 25-14.010 to establish penalty assessment criteria for hazardous waste management standards. The proposal would set forth penalty determination procedures that consider the potential for harm and the extent of deviation from state regulations; multiple violations; violations continuing for more than one day; any economic benefit of the violation to the violator; and adjustments based on new information, good faith efforts to comply, culpability, history, ability to pay, and other factors. The proposal also would specify that proceeds of penalties be used to benefit schools in the county where the violation occurred, establish that the penalties do not satisfy any claim by the state for natural resource damage, set forth general provisions, and define terms. A hearing is scheduled for 9 July 1999 in Jefferson City. *For further information contact: Steve Feeler, Chief, Enforcement Section; MDNR; (573) 751-4817. **

Metallic Minerals Waste/Penalty Assessment (24 MOR 1258-66). Proposed rule of the MDNR would repeal and adopt regulations under 10 MCSR 45-3.010 to establish penalty assessment criteria for violations of metallic minerals waste management standards. The proposal would set forth penalty determination procedures that consider the potential for harm and the extent of deviation from state regulations; multiple violations; violations continuing for more than one day; any economic benefit of the violation to the violator; and adjustments based on new information, good faith efforts to comply, culpability, history, ability to pay, and other factors. The proposal also would specify that penalty proceeds be used to benefit schools in the county where the violation occurred, establish that the penalties do not satisfy any claim by the state for damage to natural resources, set forth general provisions, and define terms. *For further information contact: Steve Feeler, Chief, Enforcement Section; MDNR; (573) 751-4817. **

Solid Waste/Penalty Assessment (24 MOR 1267-76). Proposed rule of the MDNR would repeal and readopt regulations under 10 MCSR 80-2.040 regarding to establish penalty assessment criteria for violations of solid waste management standards. The proposal would set forth penalty determination procedures that consider the potential for harm and the extent of deviation from state regulations; multiple violations; violations continuing for more than one day; any economic benefit of the violation to the violator; and adjustments based on new information, good faith efforts to comply, culpability, history, ability to pay, and other factors. The proposal also would specify that penalty proceeds be used to benefit schools in the county where the violation occurred, establish that the penalties do not satisfy any claim by the state for natural resource damage, establish general provisions, and define terms. A hearing was scheduled for 18 June 1999 in Jefferson City. *For further information contact: Steve Feeler, Chief, Enforcement Section; MDNR; (573) 751-4817. **

Hazardous Waste Generators Tax. Proposed rule of the MDNR, Hazardous Waste Management Commission, would amend regulations under 10 MCSR 25-12.010 to establish a category tax for hazardous waste generators that produces revenue as close to \$1.5 million dollars as possible for the Hazardous Waste Remedial Fund. The proposal would adjust the category tax rate equation to satisfy the revenue requirement, modify other provisions accordingly, and correct a typographical error. A hearing is scheduled for 9 July 1999 in Jefferson City. Comments are due 16 July 1999. *For further information contact: John Beard; MDNR, HWP; 1(800) 334-6946 or (573) 751-4566. (Counsel Comment: The tax is based on the amount of waste generated; the amendment will be effective 31 November 1999. The amount of the increase is projected to be approximately \$100.00 annually.)*

*** Counsel Comment: This proposal establishes a formalized administrative penalty calculation that will be consistent throughout the divisions of the MDNR. The proposed calculation is based generally on U.S. EPA's penalty calculations BEN (economic benefit received) and ABLE (ability to pay a penalty).**

(NOTE: General information regarding the MDNR and its various programs is available on MDNR's web site at <http://www.dnr.state.mo.us/homednr.htm>.)

NEBRASKA

Legislative/Regulatory Activity

STATE LEGISLATIVE ACTIVITY (Session ended 2 June 1999.)

STATE REGULATORY ACTIVITY (No significant activity for this period.)

(NOTE: General information regarding the Nebraska Department of Environmental Quality (NDEQ) and its various programs, including access to rules and regulations, is available on NDEQ's web site at <http://www.deq.state.ne.us>.)

The Central Region Review is prepared by Versar, Inc., in support of the CREO, to assist you in your compliance efforts. Questions regarding this document should be directed to Ms. Marsha Brustad, CREO Environmental Specialist, at (816) 983-3444 or fax at (816) 426-7414. Legal questions should be directed to Mr. G.T. Zolyak, Regional Counsel, at (410) 436-1275 or fax at (410) 436-1670. Current and past issues of CREO regulatory updates are available on the Internet at <http://aec.army.mil> under "Regional Offices."



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